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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 16

Application Number: 09/827,048
Filing Date: April 05, 2001
Appellant(s): CUTLER ET AL.

Donald L. Otto
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal briefs filed 09/23/2002 and 05/13/2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 33-39, 42, 44,, and 48-50 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,454,730	Tozuka	10-1995
4,673,232	Kubota et al	6-1987
4,768,976	Gelati	09-1988

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 33-37, 39, 44, and 48-50 are rejected under 35 U.S.C.§ 103(a) over Tozuka et al in view of Gelati.

Claim 38 is rejected under 35 U.S.C.§ 103(a) over Tozuka et al in view of Kubota et al.

This rejection is set forth in prior Office Action, Paper No. 13.

(11) Response to Argument

With regard to independent claims 39 and 44, Appelants (Suplemental Appeal Brief, p. 2, lines 13-16) argue that the release hole 12 in Gelati et al extends through the top of the contact section, not through

an elongate rib formed in the contact section. Also, Appelants argue that there are no suggestion or motivation to provide the release hole of Gelati through the elongate ribs of Tozuka

However, Gelati explicitly suggests (col. 2, lines 55-66) utilizing the release hole for insertion or removal of the conductor (wire) into the connector.

In the rejection, Tozuka et al (the primary reference) contact section is modified by the release hole of Gelati (the secondary reference) for purposes suggested by Gelati.

It is not critical whether in Gelati the release hole is disposed on the top of contact or on its bottom, since this release hole is used for modification of the Tozuka et al and according to Tozuka et al embodiment (Fig. 1) would be provided through the elongated rib (as claimed in claim 44).

In addition with respect to claims 39 and 44, Appelants argue (Suplemental Appeal Brief, p. 3, lines 7-10) that the inturned lip functions differently as a stop than the holder 11 of Tozuka et al in that the claimed inturned lip locates the entire end portion of the conductor within the contact component whereas the housing 11 does not.

Examiner respectfully disagrees with this argument. Firstly, the housing and the inturned lips function identically since the both stop the entire end portion of the conductor. As for location of the conductor end portion, the housing stops it at the external surface of the contact component, the inturned lip stops it at the internal surface of the contact component. Hence, the arguable difference in the location of the conductor end portion is negligible since it is equal to the thickness of the stamped metal sheet.

With regard to claims 48 and 49, Appelants argue ((Appeal Brief, p. 7, lines 12-14; Suplemental Appeal Brief, p. 3, lines 12-22) that there is no suggestion or motivation in either references for making the first conductor integral with the contact component or providing the first conductor with a wire terminal connection. According to Appelants, the modification of the references to meet the claims limitations was made in light of Appelants' present teachings.

Examiner respectfully disagrees with this argument. The Tozuka et al and Gelati type connectors can normally function only with the first conductor attached. There are only two ways to transfer a current from the connector: a/ using a connection element formed integrally with the connector and b/ using a wire terminal assembled with the connector.

One of references (Gelati) discloses using a wire terminal assembled with the connector (claim 49). As for the connection element formed integrally with the connector (claim 48), any portion of an electrically

conductive component (21) of Tuzuka et al, which communicate with the first conductor, can be considered as a connection element formed integrally with the connector.
This is Examiner's position, that, since transferring a current from or to the claimed connector can be made only through a connection element either integrally formed or assembled with the connector, the respective modification of the prior art is not a hindsight.

With regard to claim 50, Appelants argue (Appeal Brief, p. 7, lines 2-7) that the cited references do not teach an elongated rib and a release hole extending through it.
As it was shown above (the response to argument with regard to claims 39 and 44), Tozuka et al (Fig. 1) is provided with the elongated rib (29). Tozuka et al, when modified by Gelati, disclose the release hole which would be extended through that rib.

With regard to claims 38 and 42, Appelants argue ((Appeal Brief, p. 8, lines 12-14; Suplemental Appeal Brief, p. 4, lines 12-22) that the grip locking end portion of Kubota (the secondary reference used for modification Tozuka et al and Gelati) has a tooth portion to bite a cable, not a grip locking end portion to confirm the profile of the second conductor as claimed.
Examiner respectfully disagrees with the Appelants that a phrase of Kubota et al "a tooth portion to bite a cable" cannot be interpreted as a grip locking end portion to confirm the profile of the second conductor.
According to The American Heritage Dictionary, 4th ed., "to bite" means not just --to cut, or tear-- , but also --to grip -- .
According to Kubota et al (col. 3, lines 13-14), the end portion "has a suitable shape in fixing the cable".
The curvilinearly configured end portion of Kubota et al (Fig. 1) is adapted to grip the uncovered wire of the cable, not to tire it. If the wire were tired, it cannot be repeatedly used with the connector. On the other hand, the connectors of Tuzuka et al, Kubota et al, Gelati are designed for repeated connections.

Also, with regard to claim 42, Appelants argue (Suplemental Appeal Brief, p. 5, lines 1-4) that criticality of the limitation "said grip locking portion being transversely curved across the full width of said grip locking end" is supported by the Specification.

Examiner respectfully disagrees with the Appelants' argument (Suplemental Appeal Brief, p. 5, lines 8-9) that the phrase of the specification "to confirm to the shape of a wire to be connected" is an adequate reasoning for explanation why the end portion should be transversely curved across its full width. The respective Final rejection (Paper 13) questioned criticality not just curvilinearity of the grip locking portion, but curvilinearity across its full width .

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Alexander Gilman

Alex Gilman

July 8, 2003

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